IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Andrea Piva et al.

Title:

USE OF BACTERIOCIN FOR THE AMELIORATION OF

DIGESTIVE FUNCTIONALITY

Serial No.:

10/551,536

International

Filing Date:

March 25, 2004

International

Application No.:

PCT/IB2004/000885

Customer No.:

000116

Docket:

38826

LETTER

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated May 9, 2006, (copy enclosed) applicant encloses herewith the required Declaration and Power of Attorney. As regards the \$330 additional claim fee, the claims of record at the time the U.S. application was filed on March 25, 2004 consisted of 15 claims amended per the IPER prepared by the EPO as the International preliminary examining authority and then transmitted to the International Bureau. A copy of the IPER amended claim sheets is included. The Preliminary Amendment filed with the U.S. application was based on these amended claims and, therein, original claims 1-15 were cancelled and new claims 16-28 were added containing no multiple dependencies. Consideration and entry of the Preliminary Amendment submitted March 25, 2004 is accordingly respectfully requested. Our check in the amount of \$65 is enclosed to cover the late filing fee surcharge.

If there are any extension fees or other fees required by this communication, please charge any such fees to our Deposit Account No. 16-0820, Order No. 38826.

> Respectfully submitted. PEARNE & GORDON LLP

1801 East 9th Street, Suite 1200 Cleveland, Ohio 44114-3108

06/08/2006 MKAYPAGH 00000092 160820 10551536

01 FC:2617 02 FC:2615

150.00 DA

65.00 OP

10551536 06/08/2006 NKAYPASH 00000093 160820

01 FC:2616

180.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

John P. Murtaugh

Name of Attorney for Applicant(s)



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Sox 1459 Alexandria, Virginia 22313-1450 www.umpto.gov

FIRST NAMED APPLICANT ATTY. DOCKET NO. U.S. APPLICATION NUMBER NO. 38826 Andrea PIVA

10/551,536

INTERNATIONAL APPLICATION NO.

PCT/IB04/00885

PRIORITY DATE I.A. FILING DATE

03/25/2004

04/01/2003

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RECEIVED MAY 12 2006 PEARNE & GORDON LLP

CONFIRMATION NO. 4428 371 FORMALITIES LETTER *OC000000018714573*

Date Mailed: 05/09/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- Information Disclosure Statements filed on 09/30/2005
- Request for Immediate Examination filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$330 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$395 for a Small Entity:

• \$65 Surcharge.

Additionally the following defects have been observed:

- Preliminary Amendments have not been entered because original claims were from 1-10.
- Total additional claim fee(s) for this application is \$ 330
 - \$150 for 6 total claims over 20.
 - \$180 for multiple dependent claim surchare.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551.536	PCT/IB04/00885	38826

FORM PCT/DO/EO/905 (371 Formalities Notice)